

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

February 24-28, 2003

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
2-24	EX	76/095,756	Ardisam, Inc.	Hohein Hairston* Rogers	2(d)	Refusal Affirmed		"BIG FOOT" [deer hunting equipment, namely, deer hunter's stands, portable tree stands, back rests, arm pads, foot rests, adjustable seat and platform, combined seat and foot rest, non-motorized deer carts, combined non-motorized deer cart and ladder stand, ladder shooting rails and tree climbing sticks]	"BIG FOOT" [wild-fowl decoys]	Hayash	No
2-24	EX	76/137,363	A. Schulman, Inc.	Cissel Seeherman* Quinn	2(d)	Refusal Reversed		"INVISION" [dry solid plastic materials in bulk powder, pellet, granule and bead form for use in further processing by the plastics manufacturing industry]	"ENVISION" [plastic foam laminates for use in vibration dampening, as surface protection and as cushioning material in shipping and packaging]	B. Brown	No
2-24	OPP	121589	Sit 'n Sleep, Inc. v. Harco Industries, Inc.	Simms Rogers* Drost	2(d); improper use of the trademark registration symbol	Opposition Sustained but only on 2(d) grounds	"SIT 'N SLEEP" (and design) [retail furniture store services]	"SIT-N-SLEEP COVERS" [bed covers]			No
2-25	EX	78/021,895	Caroline Furlong	Simms Seeherman Bottorff*	2(d)	Refusal Affirmed		"RADIO ANGEL" [musical sound recordings; series of pre-recorded audio cassettes, and laser discs, all featuring music; audio recording and production, record production; entertainment, namely, live performances by a musical band]	"ANGEL" (and design) [musical sound recordings and video recordings featuring music]	Clayton	No

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2-25	EX	76/166,184	Brainy - brawn.com, Inc.	Cissel Seeherman* Bottorff	2(d); whether applicant's identification of its services is sufficiently definite; whether applicant's specimens evidence use of its mark in connection with its recited services; whether applicant properly complied with the request for information under Trademark Rule 2.61(b)	Refusal Affirmed but only on basis of 2(d), as to all three cited registrations, and on the basis of the indefiniteness of applicant's identification of services		"HEALTHLYNX" [arranging and providing health care services, namely, dental services, vision services, chiropractic, acupuncture, massage therapy, hearing services and non-medical elderly home care]	3 cited registrations, the first two owned by a single entity and issued as concurrent use registrations naming the owner of the third cited registration, below, as excepted user: "HEALTH LINK" and "HEALTH LINK" (in stylized lettering) [both marks registered for managed health care services, namely, for health maintenance organizations and preferred provider organizations] and "HEALTHLINK" (and design) [health care in the nature of a preferred provider organization (PPO), and an health maintenance organization (HMO)]	Fletcher	No
2-25	OPP	107,763	North American Bear Co., Inc. v. The Vermont Teddy Bear Co., Inc.	Simms* Hohein Hairston	2(d)	Opposition Sustained	"NORTH AMERICAN BEAR CO. INC." and "NORTH AMERICAN BEAR CO. INC." (and design) [stuffed toys]	"THE GREAT AMERICAN TEDDY BEAR" [stuffed toy animals and message delivery services accompanied by stuffed toy animals]			No

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2-26	EX	75/796,259	Victor Shteinberg	Seeherman Hanak Hairston*	2(e)(1); whether applicant's translation of its mark is acceptable	Refusal Affirmed on both grounds		"FINA" [jewelry made of precious metal, namely, rings, pins, necklaces, earrings and brooches]		Delaney	No
2-26	OPP	97,136	Pixel Instruments Corp. v. Sweven Corp.	Seeherman Hairston* Rogers	2(d)	Opposition Dismissed	"PIXEL" [electronic signal processors and engineering consulting services, all of which relate to image processing functions]	"PIXEL DUST PRODUCTIONS" (and design) [designing and producing artistic digital format graphics and creating multimedia content and consulting services therefor, not including engineering services or engineering consulting services]			No
2-26	EX	76/092,345	S. Martinelli & Co.	Simms Cissel Hairston*	2(d)	Refusal Reversed		"MARTINELLI'S GOLD MEDAL" (in stylized lettering) [mulling spice]	2 cited registrations, both owned by the same entity: "GOLD MEDAL" and "GOLD MEDAL" (in stylized lettering) [both marks for spices and processed herbs; and extracts other than vanilla, used as food flavoring; food flavoring, other than vanilla, containing nonessential oils; mustard]	W. K. Price	No

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2-26	EX	75/698,975	Tower Tech, Inc.	Hohein* Bottorff Holtzman	2(d); 2(e)(1)	Refusal Affirmed but only on 2(d) ground		"TOWER TECH" [evaporative and conductive heat transfer equipment, namely, cooling towers, heat exchangers, industrial cooling water treatment units, and parts thereof; cooling tower rental services, and construction, erection, and maintenance of cooling towers]	"TOWERTECH" [construction and maintenance services, namely, building, inspecting, maintaining, upgrading, and removal of towers and tower sites]	Luthey	No
2-26	EX	75/678,255	GoTo.com, Inc.	Hairston Bottorff Drost*	2(e)(1)	Refusal Affirmed		"PAY-FOR-PERFORMANCE ADVERTISING" [providing information directory services for a wide variety of topics and referrals to web sites that provide a wide variety of information, products and services; electronic transmission of data via a global computer communications network; providing multiple user access to a global computer communications network for information and data; electronic navigation services, namely, providing search engine services for obtaining data on a global computer communications network]		A. Long	No

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2-26	OPP (SJ)	123,625	Dent Doctor, Inc. v. Michael D. Bates	Hohein Walters Bottorff [(Opinion "By the Board" (Wellington)]	2(d)	Opposition Sustained (Opposer's motion for summary judgment granted)	"DENT DOCTOR _x THE PRESCRIPTION FOR PAINLESS DENT REPAIR" (and design) <i>and</i> "DENT DOCTOR _x " (and design) [both marks for minor dent removal for vehicles]	"DING DOCTOR" (and design) [automobile repair and maintenance]			No
2-27	EX	75/824,369	Tricam Industries, Inc.	Simms Seeherman* Bottorff	2(d)	Refusal Reversed		"UNIFRAME" [metal ladders]	"UNIFRAME" [vinyl windows and doors]	Coleman	No

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